IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

(Kevin P. BAKER, et al.

Application Serial No. 10/015,391

Filed: December 12, 2001

For: SECRETED AND

TRANSMEMBRANE

POLYPEPTIDES AND NUCLEIC

Examiner: Nichols, Christopher J.

Art Unit: 1647

Confirmation No: 8886

Attorney's Docket No. 39780-2830 P1C59

Customer No. 35489

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INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

MAIL STOP AMENDMENT

Commissioner for Patents PO Box 1450 Alexandria, Virginia 22313-1450

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication and U.S. and foreign patent, except for pending U.S. applications, is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form Supplemental PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

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	This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):								
			(1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d) OR						
			(2)	It is being filed within 3 months of entry of a national stage OR					
			(3) merits	It is being filed before the mail date of the first Office Action on the					
			(4) of a req	OR It is being filed before the mailing of a first Office Action after the filing puest for continued examination under § 1.114.					
	37 C.F.R. $\S1.97(c)$. If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in $\S1.491$ in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under $\S1.113$ or a notice of allowance under $\S1.311$, then:								
		a certific	cation as	s specified in §1.97(e) is provided below; or					
	\boxtimes			2 as set forth in §1.17(p) is authorized below, enclosed, or included with other papers filed together with this statement.					
	office a	37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:							
	A.	a certific	cation as	s specified in §1.97(e) is completed below; and					
	B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; and								
	C.	C. a fee of \$130.00 as set forth in \$1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.							
	Fee Authorization. The Commissioner is hereby authorized to charge the above-referenced fees of \$180.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 08-1641 (Attorney's Docket No. 39780-2830 P1C59).								
				Respectfully submitted,					
Dated:	Decemb	ber 20, 20	004	By: Anna L. Barry (Reg. No. 51,436)					
275 Mi Menlo	ddlefield Park, Ca		94025-3	& McAULIFFE LLP					

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Facsimile: (650) 324-0638

	-	Form PTC)-1449	Attorney's Docket No. 39780-2830 P1C59 Application Serial No. 10/015,391			il No.				
INFORMATION DISCLOSURE STATEMENT				Applicant(s) Kevin P. BAKER, et al.							
	(use se	veral sheet	s if necessary)	Filing Date: Group Art Unit: December 12, 2001 1647							
				U.S. PATENT DOCUMENTS				(S. 1			
Examiner Initials			Document No.	Name	Class	Subclass	Filing Date (if appropriate)				
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Examiner Initials	Ref. No.	Title	HADEN	,	···			*** <u></u>			
	1.	Hanna, J.S., et al., "HER-2/neu Breat Cancer Predictive Testing", Oathology Associates Medical Laboratores - (1999).									
	2.	Hyman, E., et al., "Impact of DNA Amplification on Gene Expression Patterns in Breast Cancer ^{1,2} ", <i>Cancer Research</i> – 62:6240-6245 (2002)									
	3.	Orntoft, T.F., et al., "Genome-wide Study of Gene Copy Numbers, Transcripts, and Protein Levels in Pairs of Non-Invasive and Invasive Human Transitional Cell Carcinomas", <i>Molecular & Cellular Proteomics</i> - 1:37-45 (2002)									
	4.	Pollack, J.R., et al., "Microarray Analysis Reveals a Major Direct Role of DNA Copy Number Alteration in the Transcriptional Program of Human Breast Tumors", <i>PNAS</i> – 99(20):12963-12968 (2002)									
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EXAMINER:	_	DATE	CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

*If an asterisk is placed beside the reference number, a copy is not provided because the reference was previously cited by or submitted to the PTO in a prior application that is identical in the statement and relied upon for an earlier filing date under 35 U.S.C. §120. 37 C.F.R. §1.98 (d). SV 2088870 v1